

REMARKS

Claims 51-75 are pending in the above-identified application. Claims 51, 59, 62-65 and 73 were rejected and claims 52-58, 60, 61, 66-72, 74 and 75 were objected to.

I. OBJECTION WITH RESPECT TO CLAIMS 52-58, 60, 61, 66-72, 74 AND 75

Applicants would like to thank the Examiner for his indication that claims 52-58, 60, 61, 66-72, 74 and 75 include patentable subject matter. The Examiner further indicated that these claims would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. However, in view of the remarks herein, Applicants respectfully submit that claims 52-58, 60, 61, 66-72, 74 and 75 are in condition for allowance.

II. REJECTION WITH RESPECT TO CLAIMS 51, 69, 62-65 AND 73

Claims 51, 59, 62-65 and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,210,787 ("Hayes"). Applicants respectfully traverse the rejection.

A. Claims 51, 59 and 62-64

To maintain an anticipation rejection, each and every element of the rejected claims must be described by Hayes. Instead, Hayes fails to describe each and every element of claim 51. For example, claim 51 recites, in part, "at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of the delivered data to the roaming terminal device". According to the Examiner, Hayes describes a plurality of access devices by describing a plurality of mobile switching centers (MSCs) and Hayes describes a roaming terminal device by describing a roaming mobile subscriber. Assuming, *for the sake of argument only*, that such characterizations are correct, Hayes still does not describe other recited elements. For example, Hayes does not describe the delivery of data to the roaming mobile subscriber, nor does Hayes describe selectively storing the delivered data for subsequent delivery of the delivered data to roaming mobile subscriber.

Instead, with reference to FIG. 2 and col. 6, lines 6-24 and 42-53 of Hayes, Hayes describes a mobile 32 seeking to register as a visitor with an exchange area 21 (which is not its home exchange area 22) by sending a registration or a call origination message to MSC A-1 (not labeled in FIG. 2, but probably the closest MSC to the mobile 32). MSC A-1 sends a

validation/authentication location update request to regional subscriber interrogation point SIP B associated with the home exchange MSC B-1 of the mobile 32 via a data communication network 31. The subscriber interrogation point SIP B accesses the data stored within its memory to identify the home exchange MSC B-1 of the mobile 32 from the mobile identification number (MIN) of the mobile 32. The subscriber interrogation point SIP B then reroutes the update location request back onto the data communication network 31 but now readdressed for the identified home exchange (i.e., MSC B-1) of the mobile 32. Once the location update request message is received by the home exchange MSC B-1, then the information is communicated directly back to the visited exchange MSC A-1 by means of the data communication network 31. Thereafter, any information exchange between the visited exchange and the home exchange occurs directly over the data communication network 31 rather than through the subscriber interrogation point SIP B as was the case when the home exchange MSC B-1 was first being interrogated by the visited exchange MSC A-1.

Thus, in view of the description from Hayes, it is clear that information is delivered to the visited exchange MSC A-1 and that data is not delivered to the roaming mobile 32 as proposed by the Examiner in view of the elements of claim 51. Since data is not delivered to the roaming mobile 32, the MSC A-1 (as alleged by the Examiner), for example, does not selectively store the delivered data for subsequent delivery of the delivered data to the roaming mobile 32. Accordingly, even assuming *arguendo*, that the Examiner's characterization of an access device and a roaming terminal device is correct in view of the disclosure of Hayes, Hayes still does not describe the rest of the elements as set forth in claim 51. Thus, a rejection of claim 51 based on anticipation cannot be maintained.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 51 and its dependent claims (i.e., claims 59 and 62-64).

B. Claims 65 and 73

To maintain an anticipation rejection, each and every element of the rejected claims must be described by Hayes. Instead, Hayes fails to describe each and every element of claim 65. For example, claim 65 recites, in part, "delivering data to the roaming terminal device via at least one of the plurality of access devices; and selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality

of access devices". Since claim 65 recites many of the same or similar elements as recited in claim 51, the arguments made with respect to claim 51 are also made with respect to claim 65. Thus, a rejection of claim 65 based on anticipation cannot be maintained.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 65 and its dependent claim (i.e., claim 73).

III. CONCLUSION

In view of at least the foregoing, it is respectfully submitted that the pending claims 51-75 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,



Michael T. Cruz
Reg. No. 44,636

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661-2565
Telephone: (312) 775-8084
Facsimile: (312) 775-8100